

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**Carrie L. Thomas,**

**Case No. 5:19cv2932**

**Plaintiff,**

**JUDGE PAMELA A. BARKER**

**-vs-**

**Magistrate Judge James R. Knepp II**

**Andrew Saul,  
Commissioner of Social Security,**

**MEMORANDUM OPINION AND  
ORDER**

**Defendant.**

This matter is before the Court upon the Report and Recommendation of Magistrate Judge James R. Knepp II (Doc. No. 7), recommending that Plaintiff Carrie L Thomas' Amended Motion to Proceed *In Forma Pauperis* (Doc. No. 5) be denied and that Plaintiff be required to pay the filing fee in this matter. Plaintiff did not file Objections. For the following reasons, the Report and Recommendation is ADOPTED. Plaintiff is ordered to pay the full filing fee within 30 days of the date of this Order.

**I. Background**

On December 19, 2019, Plaintiff filed a Complaint against the Commissioner of Social Security, challenging the Commissioner's decision to deny benefits. (Doc. 1.) Plaintiff also filed a Motion to Proceed *In Forma Pauperis*. (Doc. 2). Finding the attached application incomplete, Magistrate Judge Knepp ordered Plaintiff to file a revised, completed, application. (Doc. 4.) Plaintiff then filed an Amended Motion to Proceed *In Forma Pauperis*. (Doc. 5).

On January 9, 2020, Magistrate Judge Knepp issued a Report & Recommendation that Plaintiff's Amended Motion be denied, explaining (in relevant part) as follows:

Here, Plaintiff's application reflects that she and her spouse have a monthly gross income of \$6,854. (Doc. 5, at 2). This exceeds monthly expenses – which include \$720 in car lease payments, \$915 in a motor vehicle installment payment, and \$1,550 in credit card payments – by \$1,764 per month. *Id.* at 2-5. Moreover, Plaintiff indicates a home worth \$80,000 and cash and bank assets of \$450. *Id.* at 2. In light of Plaintiff's income and assets, it appears she possesses the financial ability to cover the costs of filing the complaint without undue financial hardship. This is true even taking into account Plaintiff's statement that she expects some reduction in her future income.

(Doc. No. 7.) Magistrate Knepp recommended that Plaintiff be ordered to pay the filing fee. (*Id.*)

Plaintiff did not file Objections to the Magistrate Judge's R&R.

## **II. Standard of Review**

The applicable standard of review of a Magistrate Judge's Report and Recommendation depends upon whether objections were made to that report. When objections are made, the district court reviews the case *de novo*. Specifically, Federal Rule of Civil Procedure 72(b) states in pertinent part:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instruction.

Although the standard of review when no objections are made is not expressly addressed in Rule 72, the Advisory Committee Notes to that Rule provide that “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See* Fed. R. Civ. P. 72, Advisory Committee Notes. Moreover, in *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the United States Supreme Court explained that “[i]t does not appear that

Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."

### **III. Analysis and Conclusion**

Here, as stated above, Plaintiff has not filed objections to the Report and Recommendation (Doc. No. 7) of Magistrate Judge Knepp that her Amended Motion to Proceed *In Forma Pauperis* be denied. This Court has nonetheless carefully and thoroughly reviewed the Report and Recommendation and agrees with the findings set forth therein.

The Report and Recommendation of Magistrate Judge Knepp is, therefore, ADOPTED. Plaintiff's Amended Motion to Proceed *In Forma Pauperis* (Doc. No. 5) is denied. In addition, Plaintiff's previously filed Motion to Proceed *In Forma Pauperis* (Doc. No. 2) is denied as incomplete. Plaintiff is hereby ordered to pay the filing fee in the instant matter within thirty (30) days of the date of this Order.

**IT IS SO ORDERED.**

Date: April 2, 2020

s/Pamela A. Barker  
PAMELA A. BARKER  
U. S. DISTRICT JUDGE